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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,657	12/08/2003	Robert B. Meek JR.	050704/306291	2999

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McKesson Corporation and Alston & Bird LLP  
c/o Alston & Bird LLP  
Bank of America Plaza  
101 South Tryon St., Suite  
Charlotte, NC 28280-4000

EXAMINER
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SHEIKH, ASFAND M

ART UNIT	PAPER NUMBER
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3627

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03/30/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,657	<b>Applicant(s)</b> MEEK ET AL.	
	<b>Examiner</b> Asfand Sheikh	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,25 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,25 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/4/2011</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/2010 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Official Notice***

The examiner notes the applicant has not traversed the Official Notice taken with respect to claims 2, 4, and 28, therefore the subject matter of the Official Notice taken on 10/26/2010 has been noted to be admitted prior art.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renz et al. (US 7,222,786 B2) in view of Frederick (US 6,112,502) and Liff et al. (US 6,068,156) and Bastian, II et al. (US 2002/0070846 A1).

Claim 1

Renz discloses a computer-implemented method (see at least, abstract: the examiner notes software on instructions operable to cause a programmable processor to receive inventory data relating to stock in an inventory), comprising:

generating, via a computing device, data representative of an item bought at a plurality of decentralized locations (see at least, col. 6, lines 6-17: the examiner notes the IEWA receives shelf quantity data from a shelf monitoring program);

transmitting said data representative of the item to a centralized computing system (see at least, col. 6, lines 6-17: the examiner notes the IEWA receives shelf quantity data from a shelf monitoring program);

electronically determining wheater a first quantity of the item stored at the decentralized location is below a first predetermined level (see at least, col. 6, lines 6-20: the examiner notes when the quantity of items on the shelf reach a certain level the

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IEWA sends a message (e.g. a form or determining quantity of an item is below a predetermined level);

automatically generating at least one of the restocking order to restock the item at the decentralized storage location in response to the first quantity of item stored at the decentralized location being below a first predetermined level (see at least, col. 6, lines 6-20: the examiner notes when the quantity of items on the shelf reach a certain level the IEWA sends a message (e.g. a form or determining quantity of an item is below a predetermined level and generating an order));

in response to fulfillment of the restocking order (see at least, col. 6, lines 27-35: the examiner notes a store is able to replenish its shelf with items), electronically determining whether a second quantity of the item stored at the restocking storage location is below a second predetermined level (see at least, col. 6, lines 36-46 and col. 6, lines 56-col. 7, lines 14: the examiner notes a restocking storage location (e.g. warehouse) uses a IEWA that once an item is transferred from the warehouse determines when to order additional stock of that item);

automatically generating, a purchase order ordering a third quantity of the item in response to the second quantity of the item stored at the restocking storage location being below the second predetermined level (see at least, col. 6, lines 36-46 and col. 6, lines 56-col. 7, lines 14: the examiner notes a restocking location (e.g. warehouse) uses a IEWA that once an item is transferred from the warehouse determines when to order additional stock (automatically generating an order of quantity) of that item and col. 9,

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lines 17-20: the examiner notes the IEWA (e.g. agent) can tell a manufactory to build more products (e.g. order));

and transmitting the purchase order to a distributor computing system (see at least, (see at least, col. 6, lines 36-46 and col. 6, lines 56-col. 7, lines 14: the examiner notes a restocking location (e.g. warehouse) uses a IEWA that once an item is transferred from the warehouse determines when to order additional stock (automatically generating an order of quantity) of that item and col. 9, lines 17-20: the examiner notes the IEWA (e.g. agent) can tell a manufactory to build more products (e.g. order)).

Renz fails to disclose an item dispensed from one of a plurality decentralized storage locations and **grouping, at a restocking storage location, the restocking order with one or more additional restocking orders received to automatically determine the most efficient picking path for generating one or more restocking packages** and automatically generating at least on of the restocking packages at the restocking storage location to fulfill the restocking order and

However Frederick discloses monitoring the inventory of an item dispensed from one of a plurality decentralized storage locations (see at least, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz's decentralized locations to include monitoring the inventory of an item dispensed from one of a plurality decentralized storage locations as taught by Frederick. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an indication of what items

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have been used so that supplies may be replenished before depletion (see at least, Frederick, col. 2, lines 25-31).

However Liff discloses automatically generating at least one of the restocking packages at the restocking storage location to fulfill the restocking order (see at least, col. 12, lines 46-60: the examiner notes an automated drug distribution system for maintaining the inventory at RCD sites and a drug packager who fulfills the stock (e.g. see col. 13, lines 13-18)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz's decentralized locations to include automatically generating a restocking package at the restocking storage location to fulfill the restocking order as taught by Liff. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide automated maintaining of inventory to lower costs associated with personal (see at least, Liff, col. 1, lines 13-23).

However Bastian discloses **grouping, at a restocking storage location, the restocking order with one or more additional restocking orders received to automatically determine the most efficient picking path for generating one or more restocking packaged** (see at least, abstract, [0007], [0024] and 0034]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz's decentralized locations to include **grouping, at a restocking storage location, the restocking order with one or more additional restocking orders received to automatically determine the most efficient picking path for generating one or more restocking packaged** as taught

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by Bastian, II. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide accuracy and efficiently of directing an order operator to a picking location (see at least, [0007]).

### Claim 3

Renz discloses wherein the centralizing computing system comprises an online data exchange system that transmits the purchase order to the distributor computing system (see at least, FIG. 2 the examiner notes the IEWA transmits data to the planning/execution module which transmits data to the manufacturing facility (e.g. distributor computing system) or the distribution center (e.g. restocking storage location) and col. 3, lines 14-26: the examiner notes computer systems coupled over a network and col. 6, lines 6-col. 7, lines 14).

### Claim 25

Renz discloses decentralized locations fails to disclose wherein the storage location comprises a cabinet.

However Frederick discloses wherein the storage location comprises a cabinet (see at least, FIG. 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz's decentralized locations to include wherein the storage location comprises a cabinet as taught by Frederick. One of ordinary skill in the art would have been motivated to combine the teachings in order to



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provide an indication of what items have been used so that supplies may be replenished before depletion (see at least, Frederick, col. 2, lines 25-31).

Claims 2, 4 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renz et al. (US 7,222,786 B2) in view of Frederick (US 6,112,502) and Liff et al. (US 6,068,156) and Bastian, II et al. (US 2002/0070846 A1) as applied to claim 1 above, and further in view of Examiner's Official Notice

#### Claim 2

The examiner notes Renz in view of Frederick and Liff and Bastian, II fail to disclose causing display of said purchase order, before transmitting said purchase order to the distribution center.

The examiner takes Official Notice that it is old and well known in the inventory arts to have a manager/supervisor use a computer system that display's an order of items needing approval before transmission of the order of items to a seller/warehouse/manufacturer (e.g. manager terminal receives a purchase order for items and then approves the purchase order of items after visually viewing the order).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz in view of Frederick and Liff and Bastian, II to include the features as taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings of the Examiner's Official Notice to Renz in view of Frederick in order to provide approval of an

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order by a managing entity to assure that only the items needed are ordered in order to save on inventory spending costs.

Claim 4 and 28

Renz in view of Frederick and Liff and Bastian, II fail to disclose further comprising receiving (a) notification that items in the purchase order have been shipped and (b) barcode information associated with the shipment, wherein the barcode information identifies the items in the purchase order. *With respect to claim 28, the examiner notes Renz discloses receiving, via the distributor computing system, the purchase order from the centralized computing system and automatically assembling the items identified in the purchase order (see at least, FIG. 2 the examiner notes the IEWA transmits data to the planning/execution module which transmits data to the manufacturing facility (e.g. distributor computing system) or the distribution center (e.g. restocking storage location) and col. 3, lines 14-26: the examiner notes computer systems coupled over a network and col. 6, lines 6-col. 7, lines 14)*

The examiner takes Official Notice that it is old and well known in the shipping arts to send an email containing notification items have shipped and further allow the bar code information be associated with the shipment and identify items in the purchase order

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz in view of Frederick and Liff and Bastian, II to include the features as taught by the Examiner's Official Notice. One of

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ordinary skill in the art would have been motivated to combine the teachings of the Examiner's Official Notice to Renz in view of Frederick in order to provide a consumer with a simple to use identifier for shipping and inventory management.

Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renz et al. (US 7,222,786 B2) in view of Frederick (US 6,112,502) and Liff et al. (US 6,068,156) and Bastian, II et al. (US 2002/0070846 A1) and Examiner's Official Notice as applied to claim 4 above, and further in view of Lester et al. (US 6,021,392)

#### Claim 5

Renz in view of Frederick and Liff and Bastian, II and Examiner's Official Notice fail to disclose further comprising receiving barcode information from a scan of the barcode at the restocking location after receiving the shipment and update the second quantity of items stored at the restocking storage location.

However Lester discloses receiving barcode information from a scan of barcode once an order is received at a location and updating the quantity of items stored at the at the location (see at least, col. 2, lines 54-col. 3, lines 5: the examiner notes the barcodes may be scanned to track what drugs and quantities arrived).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz in view of Frederick and Lunak and Bastian, I and Examiner's Official Notice to include receiving barcode information from a scan of barcode once an order is received at a location and updating the quantity of

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items stored at the at the location as taught by Lester. One of ordinary skill in the art would have been motivated to combine the teachings in order to track the items received at a given location (see at least, Lester, col. 2, lines 54-col. 3, lines 5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand Sheikh/  
Primary Examiner, Art Unit 3627